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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

TRUONG, LAN DAI T

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,132

Applicant(s)

WHYTOCK, ALEXANDER W.

Examiner

Lan-Dai Thi Truong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is response to communications: application, filed 10/23/2001; amendment filed 07/13/2006. Claims 15-19 are pending; claim 15 is amended; claim 19 is added
2. The applicant's arguments filed on 07/13/2006 have fully considered but they are moot in view with new ground for rejection

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 15, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Matyas et al. (U.S. 5,142,578), "Matyas", herein after

Regarding to claim 15:

Matyas discloses a method, which can be implemented in a computer hardware or software code for use in an encrypting data, the method comprising

Receiving a file containing instruction, data, a reference to an encryption key: Matyas discloses an instruction processor receives "a key block" which is equivalent to "a file" which

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contains "control information" which is equivalent to "instruction." The control information also includes "control vector" which is equivalent to "a reference to an encryption key" specifies whether the key is a public key or private key: (column 8, lines 14-57; column 5, lines 10-20)

Using the received instructions to process the received data and the referenced encryption key to derive a new encrypted key: Matyas discloses "the encrypted key" which is equivalent to "new encrypted key" is encrypted under the master key or sender/or public key of receiver by implementing received instruction: (column 4, lines 51-57; column 5, lines 1-20).

Regarding to claim 17:

Matyas discloses a method as discuss in claim 15, which includes interpreting the received instruction to generate code for implementing the instructions: Matyas discloses encrypting encrypted key is encrypted under master key in response to received instruction: (column 10, lines 6-29)

Regarding to claim 19:

Matyas discloses a method as discuss in claim 15, which further includes storing the second encrypting key: Matyas discloses storing the encrypted key in the DEA keys storage for later use: (column 5, lines 1-20)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or descry bed as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C 103(a) as being un-patentable over Matyas in view of Dickson (U.S 6,736,313)

Regarding to claim 16:

Matyas discloses the invention substantially as disclosed in claim 15, but does not explicitly teach storing the new key in the encrypting keypad module

In analogous art, Dickson discloses a local key stored in the key pad, which is used to encrypt the customer input PIN before transmitting the PIN to the controller: abstract, lines 12-17; column 4, lines 27-29; column 5, lines 20-25, 45-55)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dickson's ideas of using local key from keypad to encrypt customer's PIN with Matyas's system in order to provide high standard transaction authorization system, see (Dickson, lines 5-10)

Claim 18 is rejected under 35 U.S.C 103(a) as being un-patentable over Matyas in view of Drummond (U.S. 6,598,023)

Regarding to claim 18:

Matyas discloses the invention substantially as disclosed in claim 15, but does not explicitly teach comprising tagged commands and data

In similar art, Drummond discloses a message includes "documents" those are equivalent to "data" and "tags" those are equivalent to "tagged commands": (abstract, lines 1-6; column 2, lines 42-62; column 5, lines 27-40; column 6, lines 33-58)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Drummond's ideas of using a message which includes data and

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tag with Matyas's system in order to use the tags and codes (instructions) to define and operate the documents, see (Drummond; column 2, lines 42-62)

Conclusions

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

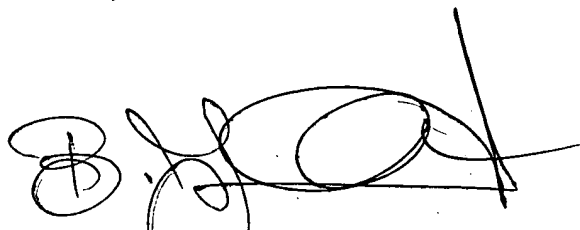
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/25/2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER